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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,228	12/11/2001	Antonio Colmenarez	US010545	3088

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/014,228	<b>Applicant(s)</b> COLMENAREZ ET AL.	
	<b>Examiner</b> Dave Czekaj	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,5,7-18,21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,7-18,21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made as set forth below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 7, 9, 10, 12-13, 16-18, 21, 23, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aviv (US 6,028,626) in view of Edwards et al. (6909455), (hereinafter referred to as "Edwards").

As for claims 5, 9, 10, 16, 17, and 21, Aviv teaches of means for observing behavior in a predetermined area under surveillance (Aviv: Column 3, Lines 21-55); means for processing an output of observed behavior from said means for observing, said means for processing including a pattern recognition means for recognizing whether said observed behavior is associated with predefined suspicious behavior (i.e. potential crime); means for notifying that said pattern recognition means recognizes at least one behavioral pattern associated with said set of predefined suspicious behaviors has been observed by said means of observing (Aviv: Column 9, Lines 38-45). Aviv

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teaches of said means for notifying includes warning signals communicated to a monitoring site, includes a plurality of alert codes corresponding to a severity level of said at least one behavioral pattern associated with said set of predefined suspicious behaviors recognized by said pattern recognition means (Aviv: , Column 9, Lines 23-37. Note the invention shows different responses depending on the situation (i.e. light or dark) and also gives a multitude of different possible responses to criminal activity detection). However, Aviv fails to teach recognizing the movement of a head of a shopper as claimed. Edwards teaches that many difficulties arise when identifying the current position of the head portion of the image (Edwards: column 1, lines 45-47). To help alleviate this problem, Edwards discloses "recognizing continuous movement of a head for a predetermined amount of time" (Edwards: column 7, lines 46-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Aviv and add the head tracking taught by Edwards in order to help reduce the difficulties in tracking the head portion in an image.

As for claim 2 and 18, Aviv teaches of said means for observing includes cameras (Aviv: Column 4, Lines 64-67).

As for claim 7 and 23, Aviv teaches of wherein said area under surveillance includes a retail store, and said predefined suspicious behaviors recognized by said pattern recognition means includes recognizing a plurality of people entering the store as one group, said plurality subsequently separating into sub-groups in different portions of the store, and re-emerging as said one group when leaving the store (Note:

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Aviv shows the capability of separating the group and then following each individual (Aviv: Column 9, Lines 41-54, and Column 9, Lines 1-10, Column 10, Lines 17-31 (shows retail store)).

As for claims 12-13 and 26-29, note the examiners rejection for claim 9, and in addition, Aviv does not explicitly teach of said pattern recognition means further comprises recognizing that a particular shopper is carrying a bag, and manipulating the bag, however, Aviv does teach of a zoom capability that can focus and follow objects and determine patterns of them (Aviv: Column 5, Lines 55-67, and Column 6, Lines 1-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the zoom capability of the invention to focus in on objects other than people because the subsequent action of an object (i.e. a gun or knife) is an immediate indication of suspicious activity.

Claims 8, 11, 14, 24-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aviv (US 6,028,626) in view of Edwards et al. (6909455), (hereinafter referred to as "Edwards") in further view of Brill (US 6,628,835).

Aviv does not explicitly teach of the following, however, Brill does: pattern recognition means including recognizing that a particular shopper has walked up and down a predetermine number of aisles without selecting an item for purchase (i.e. loitering which is defined as standing still or walking with many stops along the way), pattern recognition means including recognizing that a particular shopper has spent a predetermined amount of time in the store without selecting an item for purchase, a predetermined area outside of said store, and said pattern recognition means

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recognizing when a person is in the predetermined area outside of said store for a predetermined amount of time (Note: Loiter is used by Brill to determine if a person has been inactive for a certain amount of time and if so then an alarm is activated, Brill: Column 7, Lines 6-24, Also note that it is considered an obvious variation to look for inactivity inside or outside the store). It would have been obvious to one of ordinary skill in the art at the time of the invention to take into account the idea of loitering because it is considered suspicious activity by Brill and Aviv allows for all suspicious activity to be accounted for in his invention.

Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aviv (US 6,028,626) in view of Edwards et al. (6909455), (hereinafter referred to as "Edwards") in further view of NMSU Police Department.

Although Aviv does not explicitly teach of pattern recognition means recognizes that a particular shopper is wearing a coat when an outside temperature is greater than a predetermined value, the NMSU Police Department does (Under "What is Suspicious Behavior" the article reads "wearing heavy clothing in warm weather"). It would have been obvious to one of ordinary skill in the art at the time of the invention to take into account the idea of wearing a heavy coat in warm weather because it is considered suspicious activity by the NMSU Police Department and Aviv allows for all suspicious activity to be accounted for in his invention.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600